IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 5TH DECEMBER 2006 / 14TH AGRAHAYANA 1928

W.A.No.2440 of 2005

AGAINST THE JUDGEMENT IN O.P.23971/1998-D DATED 27/01/2005

APPELLANTS: (RESPONDENTS 1 & 2 IN THE ORIGINAL PETITION):-

1. UNION OF INDIA,
   REPRESENTED BY THE MINISTRY OF HOME AFFAIRS,
   FREEDOM FIGHTERS DIVISION (INA CELL),
   LOK NAYAK BHAVAN, NEW DELHI-110 003.

2. THE DEPUTY SECRETARY TO THE GOVERNMENT OF INDIA,
   MINISTRY OF HOME AFFAIRS,
   NEW DELHI-110 003.

BY ADV. SRI.T.P.M.IBRAHIM KHAN, SENIOR PANEL COUNSEL.

RESPONDENTS: (PETITIONER & 3RD RESPONDENT IN THE O.P):-

1. M. SUMANGALA, WIFE OF LATE SOMAN,
   CHILLAVILAKOM, KAYIKKARA P.O., VIA. NEDUNGANDAM,
   CHIRAYINKIL, THIRUVANANTHAPURAM DISTRICT.

2. THE DISTRICT COLLECTOR,
   OFFICE OF THE DISTRICT COLLECTOR,
   THIRUVANANTHAPURAM.

R1 BY ADV.SRI.R.ANIL KUMAR.

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 05/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.K.Bali,C.J. & S.Siri Jagan,J.

W.A.No.2440 of 2005 & C.M.Appln.No.2678 of 2005

Dated, this the 5th day of December, 2006

JUDGMENT

V.K.Bali,C.J. (Oral)

Delay condoned.

2. As to whether Freedom Fighters' Pension is payable from the date of application or from the date of order is a matter covered by a decision of the Supreme Court in **Mukund Lal Bhandari** v. **Union of India** (AIR 1993 SC 2127). It would be made out from the impugned order passed by the learned Single Judge that the position of law as laid down in Mukund Lal Bhandari's case (supra) was conceded by the counsel for the appellants and yet this appeal has been filed. There are no other questions involved in the appeal, but for the date of payment of pension, as to whether it is from the date of application or from the date of order. No merits. Dismissed.

V.K.Bali
Chief Justice

S.Siri Jagan
Judge

vku/-